

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed February 25, 2004. No fee is due for the addition of any new claims.

Claims 1-24 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-24. The present Response amends claims 20, leaving for the Examiner's present consideration claims 1-24. In light of the amendments and remarks contained herein, reconsideration of the rejections is requested.

RESPONSE TO REJECTION UNDER 35 USC §102

The Examiner rejected claims 1-7, 18, 19 and 22-24 under 35 USC §102(b) as being anticipated by United States Patent No. 6,067,126 (Alexander"). Examiner states that Alexander discloses a method and apparatus for editing a video recording with audio selections, including receiving an audio and video signal, detecting transition points in the audio and video signals, aligning the audio and video signals in time, editing the aligned video signal and merging the aligned video signal with the audio signal (col. 3, lines 1-19). Applicant respectfully traverses the rejection under §102(b).

Alexander discloses an apparatus and method for adding an audio track to a video recording. An A/V editing system may load an entire video recording for analysis (col. 4, line 59), a subset of the entire video recording for analysis (col. 4, line 65), a two to three minute segment of video for analysis (col. 5, line 2), or individual scenes of video (col. 5, line 6) for analysis. The "predetermined amount" (col. 5, line 11) of video is then divided into quadrants or regions within each frame (FIG. 4) and is analyzed in each region for color, lighting, content and motion attributes (col. 5, lines 43-67). Thus, the length of the video is determined before the video is analyzed – Alexander does not truncate an aligned video signal. An audio stream within the video, if any, is then identified as either speech, music, or other (col. 6, lines 16-65). The level of the audio within the video is configured accordingly. A separate audio track is then

added to the video. The audio is selected based on the detected attributes, such as whether the video content colors are “cool” or “hot” colors (col. 7, lines 35-45). Once selected, the audio track is added to the video, and the video’s previous audio track level is adjusted so as not to be smothered.

Unlike Alexander, the present invention discloses editing the aligned video signal in addition to merging the aligned video signal. Thus, the claimed invention aligns the video signal and audio signal before editing the video signal. After the video signal and audio signal are aligned, the two signals are then merged. Alexander discloses receiving video in predetermined lengths according to the average audio file length or by individual scenes (col. 5, lines 1-10) followed by analyzing the video. Alexander does not disclose making adjusting any edits to an aligned video signal. Alexander only augments predetermined lengths of video by adding an audio track.

Response to Examiners “Response to Arguments”

Examiner states the Alexander discloses truncating a video signal. As discussed above, an A/V editing system may load predetermined portions of a video recording. However, only after loading the predetermined portions is the video recording segment analyzed and augmented with an audio signal. Therefore, Alexander does not disclose editing an “aligned” video signal

Examiner further states that Alexander discloses that a video signal is augmented by adding an audio track, and that this satisfies the “editing” element of claim 1. Applicant respectfully disagrees with this interpretation of Alexander. However, if Examiner is not persuaded by Applicant’s arguments, then Alexander fails to meet the “merging” element of the invention as claimed in claim 1.

In conclusion regarding the rejection under 35 USC §102(b), claim 1 recites “editing the aligned video signal” thereby distinguishing the claimed invention from Alexander. Claims 2-7, 18-19 and 22-24 all directly or indirectly depend from independent claim 1. Therefore, Applicants respectfully submit that claims 1-7, 18-19 and 22-24 are patentable over Alexander and Applicants have overcome the rejection based on Alexander et al.

RESPONSE TO REJECTIONS UNDER 35 USC §103

The Claimed Invention Distinguishes Over the Combination of Alexander, Foote, and Cooper.

The Examiner rejected claims 8-17 and 21 under 35 USC §103(a) as being unpatentable over Alexander in view of either “Automatic Audio Segmentation Using a Measure of Audio Novelty” by Foote (Foote) or “Scene Boundary Detection via Video Self-Similarity Analysis” by Cooper et al. (Cooper). Examiner states that Alexander discloses all that is claimed except for the features explicitly recited in the above referenced claims. Applicant respectfully traverses the rejection under §103.

As discussed above, Alexander does not disclose making any edits to an aligned video. Alexander only discloses augmenting a video by adding an audio track. Additionally, Foote and Cooper relate to analysis of video signals, and do not disclose editing an aligned video. Thus, neither Alexander, Foote or Cooper disclose editing an aligned video as recited in claim 1. Claims 8-17 and 21 all directly or indirectly depend on claim 1. Therefore, Applicants respectfully submit that claims 8-17 and 21 are patentable over Alexander in view of Foote and Cooper and Applicants have overcome the rejection based on Alexander in view of Foote and Cooper.

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.

Conclusion

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable, either singly or in combination.


In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned before an advisory action is issued in order to avoid any unnecessary filing of an appeal.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: _____


Stephen R. Bachmann
Reg. No. 50,806

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800